IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

THURSDAY, THE 15TH NOVEMBER 2007 / 24TH KARTHIKA 1929

CRP.No. 248 of 2007()

AGAINST THE ORDER DATED 7/12/2005 IN IA 3079 2005 IN LAR.206/1998 of ADDL.SUB COURT,KOLLAM
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REVN. PETITIONER: PETITIONER/PETITIONER/CLAIMANT

KHOSH, SARASWATHI SADANAM,
MANAPPALLY NORTH, PAVUMBA.

BY ADV. SRI.K.SASIKUMAR

RESPONDENTS: RESPONDENT

STATE OF KERALA, REPRESENTED BY
THE CHIEF SECRETARY, GOVERNMENT OF KERALA,
THIRUVANANTHAPURAM.

BY

THIS CIVIL REVISION PETITION HAVING COME UP FOR ADMISSION ON 15/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

M.N.KRISHNAN, J

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C.R.P. No.248 OF 2007

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Dated this the 15th day of November 2007

ORDER

This revision petition is preferred against the order of the Addl.Sub Court, Kollam in I.A.Nos.3078 & 3079/2005 in LAR No.206 of 1998. The applications were filed to condone the delay and review the judgment passed by the court. The land acquisition matter was disposed of by the court below though the claimant was not present in court. In order to review the same an application was filed. There was a delay of about 13 days in filing the review petition. It is submitted that even at the time of the inclusion of the matter in the list, the counsel appearing for the claimant was undergoing treatment on account of the injuries sustained in an accident. It is a settled principle that in land acquisition cases there cannot be a disposal for default. Even if the claimant is absent, the law contemplates that there must be appropriate application of mind to all the facts of the case and certainly there will be deficiency in appreciating the same when the claimant is not before the court. This is a matter which the court has to take into consideration applying the broad principles of natural justice.

Therefore, I feel this is a case where the court should apply its mind in these applications and pass appropriate orders. I find that the delay caused is only 13 days which is to be condoned and therefore I condone the delay and restore the review application and direct the court below to dispose of the matter in the light of the observations mentioned by me in this order.

C.R.P. is disposed of as above.

M.N.KRISHNAN, JUDGE

Cdp/-